

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDAV CAPITAL,
NISHA DESAI,

Plaintiffs,

v.

PAYPAL HOLDINGS, INC.,
PAYPAL VENTURES,

Defendants.

Case No. 1:25-cv-33-AT

NOTICE OF MOTION FOR RECUSAL OR DISQUALIFICATION

Per 28 U.S.C. §455(a), Plaintiffs respectfully move for the recusal or disqualification of the Honorable Analisa Torres and for reassignment to a district judge whose individual practices do not contain a racial preference. Plaintiffs file this motion without a pre-motion letter because “a delay in filing might result in the loss of a right.” *Individual Practices in Civil Cases* ¶III.A.i., Hon. Analisa Torres, U.S.D.J. (S.D.N.Y.) (Rev. Jan. 15, 2025), perma.cc/Y6LR-ZKX4. This motion seeks recusal and reassignment to a new judge, so Plaintiffs need to file it now, before any significant litigation or proceedings take place. *Cf. Apple v. Jewish Hosp. & Med. Ctr.*, 829 F.2d 326, 333-34 (2d Cir. 1987).

Dated: February 12, 2025

Respectfully submitted,

/s/ Thomas R. McCarthy

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 12, 2025, I e-filed this notice of motion with the Court via ECF, which will automatically email everyone who has appeared. I am also serving the foregoing by overnight delivery service to counsel for Defendants and providing a courtesy copy by email.

/s/ Thomas R. McCarthy